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July 1, 2014

**VIA ECF**

Honorable Nina Gershon  
United States District Court Judge, E.D.N.Y.  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Allstate Ins. Co., et al. v. Simon Ilyaich, et al., 13-CV-5464 (NG)(LB)**

Dear Judge Gershon:

We represent Plaintiffs in the above referenced matter and, along with counsel, Gary Tsirelman, P.C., for Defendants Queens-Brooklyn Medical Rehabilitation, PC, Queens-Brooklyn Jewish Medical Rehabilitation, PC, Queens-Roosevelt Medical Rehabilitation, PC, Woodward Medical Rehabilitation, PC, Advanced Medical Rehabilitation, P.C, Integrated Medical Rehabilitation and Diagnostics, PC, Yellowstone Medical Rehabilitation, PC, Beach Medical Rehabilitation, PC, Alpha Chiropractic, PC., Andrew Susi, DC and John J. McGee, DO (hereinafter the "Tsirelman Defendants"), write to respectfully request a one-week enlargement of the time to file a joint statement concerning the parties' positions as to the applicable statute of limitations for Plaintiffs' common law fraud and unjust enrichment claims, in accordance with the Your Honor's order dated June 20, 2014 (the June 20<sup>th</sup> Order"). This brief adjournment is being requested due to scheduling conflicts between the parties and to ensure that prior to submission to the Court of the joint statement counsel are able to consult with their respective clients, some of whom are on vacation and unavailable.

In addition to directing that the parties submit a joint statement, the June 20<sup>th</sup> Order also set forth the briefing schedule for the Tsirelman Defendants' proposed motion to dismiss, directing the Tsirelman Defendants' to file the motion by August 4, 2014, with the Plaintiffs' opposition papers due on September 18, 2014 and any reply due on September 30, 2014. In view of the request for a one-week enlargement of the time to file the joint statement, which will necessarily affect the substantive briefing by the parties on the motion to dismiss, it is also respectfully requested that the briefing schedule be adjourned one week as follows: moving papers due on August 11, 2011, opposing papers due on September 25, 2014, and replies due on October 7, 2014.<sup>1</sup>

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<sup>1</sup> Because the briefing schedule included the proposed motion by Defendants Yan Moshe ("Moshe") and 65-55 Woodhaven Realty, LLC ("65-55 Woodhaven Realty"), represented by Friedman, Harfenist Kraut & Perlstein, LLC, it is also requested that the schedule for Defendants Moshe and 65-55 Woodhaven Realty's motion also be extended one-week in accordance with the proposed dates above. Counsel for Moshe and 65-55 Woodhaven Realty has consented to the request.

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This is the first request for an adjournment of the joint statement and the briefing schedule for the motion to dismiss.

Thank you for your consideration in this regard.

Respectfully submitted,

Stern & Montana, LLP

By: /s/ James A. McKenney  
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cc: All counsel (via ECF)

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